

SNELL & WILMER LLP  
Alan L. Sullivan (3152)  
Todd M. Shaughnessy (6651)  
15 West South Temple  
Gateway Tower West  
Salt Lake City, Utah 84101-1004  
Telephone: (801) 257-1900  
Facsimile: (801) 257-1800

CRAVATH, SWAINE & MOORE LLP  
Evan R. Chesler (admitted pro hac vice)  
David R. Marriott (7572)  
Worldwide Plaza  
825 Eighth Avenue  
New York, NY 10019  
Telephone: (212) 474-1000  
Facsimile: (212) 474-3700

*Attorneys for Defendant/Counterclaim-Plaintiff  
International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,  
  
Plaintiff/Counterclaim-Defendant,  
  
-against-  
  
INTERNATIONAL BUSINESS  
MACHINES CORPORATION,  
  
Defendant/Counterclaim-Plaintiff.

**NOTICE OF HEARING**

Civil No. 2:03CV-0294 DAK

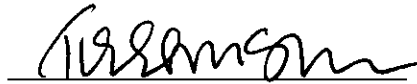
Honorable Dale A. Kimball  
Magistrate Judge Brooke C. Wells

PLEASE TAKE NOTICE that Plaintiff SCO's Motion To Dismiss or Stay Count  
Ten of IBM's Second Amended Counterclaims, and Defendant IBM's Cross-Motion for Partial  
Summary Judgment on its Claim for Declaratory Judgment of Non-Infringement will be heard

by the Court on Wednesday, September 15, 2004, at 2:00 p.m. before the Honorable Dale A. Kimball at the United States Courthouse, 350 South Main Street, Salt Lake City, Utah.

DATED this 26<sup>th</sup> day of July, 2004.

*SNELL & WILMER LLP*



*Alan L. Sullivan*

*Todd M. Shaughnessy*

*CRAVATH, SWAINE & MOORE LLP*

*Evan R. Chesler*

*David R. Marriott*

*Counsel for Defendant/Counterclaim-Plaintiff  
International Business Machines Corporation*

Of counsel:

INTERNATIONAL BUSINESS MACHINES CORPORATION

Donald J. Rosenberg

Alec S. Berman

1133 Westchester Avenue

White Plains, New York 10604

(914) 642-3000

*Attorneys for Defendant/Counterclaim-Plaintiff  
International Business Machines Corporation*

**CERTIFICATE OF SERVICE**

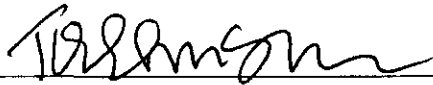
I hereby certify that on the 26<sup>th</sup> day of July, 2004, a true and correct copy of the foregoing was sent by U.S. Mail, postage prepaid, to the following:

Brent O. Hatch  
Mark F. James  
HATCH, JAMES & DODGE, P.C.  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101

Robert Silver  
BOIES, SCHILLER & FLEXNER LLP  
333 Main Street  
Armonk, NY 10504

Stephen N. Zack  
Mark J. Heise  
BOIES, SCHILLER & FLEXNER LLP  
100 Southeast Second Street, Suite 2800  
Miami, Florida 33131

Kevin P. McBride  
1299 Ocean Avenue, Suite 900  
Santa Monica, California 90401



---